

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,048	TAGA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David S. Kim	2633	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 February 2004.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/546,917.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>19 February 2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                       | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Hsueh, Esq. on 01 October 2004.

The application has been amended as follows:

*To the specification:*

On p. 2, l. 16, replace "characteristics.In" with – characteristics. In – (two spaces).

On p. 6, l. 11, replace "22-1 22-n" with – 22-1~22-n –.

On p. 8, l. 7, replace "S1," with – S1 (S5), –.

On p. 11, l. 7, replace "form" with – from –.

On p. 16, l. 28, replace "36" with – 38 –.

On p. 19, l. 27, replace "36" with – 38 –.

On p. 20, l. 26, replace "determines" with – determining –.

On p. 21, l. 18, replace "form" with – from –.

On p. 23, l. 11, replace "electric signal" with – signal –.

On p. 23, l. 29-30, replace "as well as" with – and also –.

On p. 23, l. 34, replace "transmitted the" with – transmitted through the –.

Replace the entire abstract with the following text:

An optical receiving apparatus according to the present invention comprises an optical signal branching circuit for receiving a signal light input from an optical transmission line, a discriminator for discriminating an output signal of the optical

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signal branch circuit, an evaluator for evaluating characteristics of another output signal of the optical signal branching circuit. The evaluator includes a saturable absorber for determining the discrimination threshold of the discriminator.

*To the claims:*

In claim 1, l. 9-10, replace “the means for evaluating” with – the evaluator –.

In claim 1, replace

“a discriminator to discriminate the electrical signal output, according to the discrimination threshold signal determined by the means for evaluating”

with

– a discriminator to discriminate at least one value of the electrical signal, according to the discrimination threshold signal determined by the evaluator –.

In claim 2, last line, replace “electric” with – electrical –.

In claim 4, l. 3, replace “element and the” with – element or the –.

In claim 5, replace

“discriminating the electrical signal”

with

– discriminating at least one value of the electrical signal –.

In claim 7, last line, replace “and a second” with – or the second –.

In claim 8, replace

“means for discriminating the first electric signal”

with

– means for discriminating at least one value of the electrical signal –.

In claim 8, last four lines, replace

“wherein the discriminating means discriminates the electrical signal”

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with

– wherein the discriminating means discriminates the at least one value of the electrical signal –.

In claim 9, last line, replace “mean” with – means –.

In claim 9, last line, replace “electric” with – electrical –.

In claim 11, l. 3, replace “converting and the” with – converting or the –.

2. The following is an examiner’s statement of reasons for allowance:

The claims are directed to the embodiment shown in Fig. 19 of the application. The basic structure of this embodiment is known in the art, as shown by Siegel, Barnsley et al., Lobbett et al., Krause, and Ransford et al. Also, the use of saturable absorbers in relation to discriminating and thresholds is known in the art, as shown by Rosenberg, Lobbett et al., and Mikami.

However, a search of the prior art did not discover or suggest the combination of the following limitations:

the characteristics-evaluator has a saturable absorber,  
said saturable absorber provides a signal light output, and  
the amplitude of said signal light output is used to determine a discrimination threshold.

Accordingly, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Kim whose telephone number is 571-272-3033. The examiner can normally be reached on Mon.-Fri. 9 AM to 5 PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DSK



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